

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-211836

DATE: May 31, 1983

MATTER OF: Minority Business Enterprises, Inc.

DIGEST:

The exception for consideration of a late bid because of Government mishandling refers to mishandling by the procuring agency and not the United States Postal Service.

Minority Enterprises, Inc., protests the rejection by the Defense Logistics Agency (DLA) of its bid submitted under invitation for bids No. DLA-200-83-B-0026. DLA rejected the bid because it was received after the bid opening.

Minority Enterprises contends that the late arrival of its bid was due solely to mishandling of the bid by the Government. The bid was sent by Postal Service express mail with a service guarantee and assurance of delivery.

Late bids sent by other than registered or certified mail may be accepted only if Government mishandling has been the paramount cause of the late arrival. Defense Acquisition Regulation § 7.2002.2 (1976 ed.); Standard Mfg. Inc., B-209575, March 7, 1983, 83-1 CPD 216.

The protester cites the mishandling of express mail by the Postal Service as the Government mishandling in this case. The word "Government" in this rule, however, refers to the procuring agency, not to the Postal Service. Geronimo Service Company, B-199864, October 28, 1980, 80-2 CPD 325.

Since it is clear from the submission by the protester that there is no legal merit to the protest, we have not requested a report from the Agency. CGA/Allen Software Products Group, B-209090, November 3, 1982, 82-2 CPD 406.

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The protest is summarily denied.

for *Milton J. Aroslan*
Comptroller General
of the United States